



Attorney Docket No. 26346 93

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

KAM et al.

Conf. No.: **4701**

Appl. No.: **10/506,860**

Art Unit: **2878**

Filed: **September 2, 2004**

Examiner: **ELLIS, Suez Y.**

For: **AUTO-FOCUSING METHOD AND DEVICE**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith to the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Request to Examiner for entry of filed information disclosure statement;
- (3) Transmittal Letter;
- (4) Request to Examiner for entry of filed information disclosure statement;
- (5) Copy of filing postcard stamped October 22, 2004;
- (6) Copy of Transmittal Letter filed on October 22, 2004;
- (7) Copy of Information Disclosure Statement and PTO form 1449 filed on October 22, 2004;
- (8) Copy of all 14 references which are not U.S. Patents or Published Patent Applications; and
- (9) Copy of the International Search Report dated 15 September 2003.

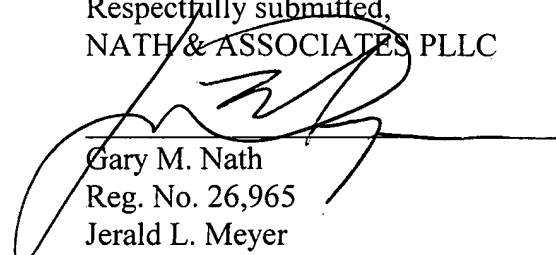
Please charge any fee deficiency, or credit any overpayment, in connection with this matter to Deposit Account No. 14-0112.

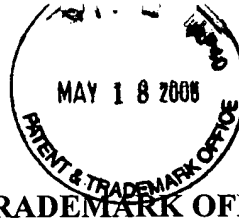
Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: May 18, 2006

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Customer No. 20529



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

KAM et al.

Conf. No.: **4701**

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Examiner: ELLIS, Suezu Y.

For: **AUTO-FOCUSING METHOD AND DEVICE**

**REQUEST TO EXAMINER FOR ENTRY OF FILED
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Statement of Facts:

The above matter is a pending application at the U.S. Patent and Trademark Office, in which a notice of allowance was recently mailed.

A form PTO-1449 listing 28 references was filed in the above captioned matter on October 22, 2004, as part of an Information Disclosure Statement (IDS). Six of the references recited on the PTO-1449 form were cited in an International Search Report mailed on September 15, 2003. A copy of the search report, and of the fourteen references listed on the PTO-1449 form which were not U.S. Patents of U.S. Published Patent Applications, were included in the same filing.

A filing receipt listing the Transmittal Letter, the IDS, the PTO-1449 form, and a copy of the International Search Report was stamped as received by OPIE on October 22, 2004.

The Image File Wrapper for the above application shows none of the above documents, and in fact shows no filing whatsoever on October 22, 2004.

The PTO-1449 form was never initialed by the Examiner, and never entered into the file.

Point to be Reviewed:

Applicant submits that the PTO-1449 form and other documents filed on October 22, 2004 should have been entered into the file, and the Information Disclosure Statement considered at that time.

Action Requested:

Applicant requests that the PTO-1449 form and documents as filed on October 22, 2004 be entered into the file, and the Information Disclosure Statement be considered by the Examiner. A copy of all documents filed on October 22, 2004, along with a copy of the stamped filing postcard, accompany this request.

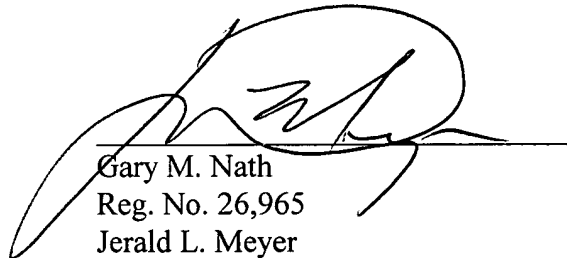
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: May 18, 2006

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Gary M. Nath
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Enclosure: Copy of filing postcard stamped October 22, 2004;
Copy of Transmittal Letter filed on October 22, 2004;
Copy of Information Disclosure Statement and PTO form 1449 filed on October 22, 2004;
Copy of all 14 references which are not U.S. Patents or Published Patent Applications;
Copy of the International Search Report dated 15 September 2003.



FILING RECEIPT

Attorney Docket No. 26346

Date: Oct 22, 2004

Attorney: GMN/GBK

Inventor: KAM et al.

International Application No.: PCT/IL03/00206

Serial No. 10/506,860

Filed: September 2, 2004

International Filing Date: 13 March 2003 (13.03.2003)

Title: AUTO-FOCUSING METHOD AND DEVICE

DOCUMENTS BEING FILED:

THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with 28 references;
- (4) International Search Report dated 15 September 2003.



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FILE CHECK

Prepared by: MS

Approved by: SK

Copy reviewed: _____

Filed by: _____
GMN/GBK/ng:IDS_fr

Return to N. Gima



Attorney Docket No. 26346

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KAM et al.

Serial No.: 10/506,860

International Application No.: PCT/IL03/00206

Filed: September 2, 2004

International Filing Date: 13 March 2003 (13.03.2003)

Title: AUTO-FOCUSING METHOD AND DEVICE

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, Va 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with 28 references;
- (4) International Search Report dated 15 September 2003.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

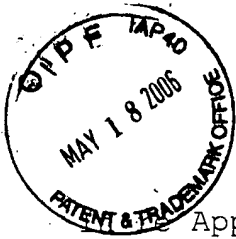
Respectfully submitted,

NATH & ASSOCIATES PLLC

By: 

Gary M. Nath
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Gregory B. Kang
Registration No. 45,273
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Date: Oct 22, 2004
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GMN/GBK/ng: IDS_TR_Mailstop



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

KAM et al.

Serial No.: 10/506,860

International Application No.: PCT/IL03/00206

Filed: September 2, 2004

International Filing Date: 13 March 2003 (13.03.2003)

Title: AUTO-FOCUSING METHOD AND DEVICE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

[X] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:

[] i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or

[] ii. a check in the amount required by 37 C.F.R. § 1.17(p).

[] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.

[] Certification report(e) below; and

[] a check in the amount as required by § 1.17(p).

[] d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.

[] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

[] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[] Appropriate certification is attached.

[X] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[X] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

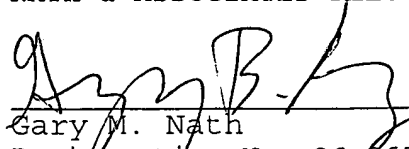
[X] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:
or Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


Gary M. Nath
Registration No. 26,965
Gregory B. Kang
Registration No. 45,273
Customer No. 20529

Date: Oct 22, 2004

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FORM PTO-1449

INFORMATION DISCLOSURE CITATION

Atty Docket
26346Serial No.
10/506,860Applicant
KAM et al.Filing Date
September 2, 2004Group Art Unit
Not Yet Assigned

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA	5,925,874	07.20.99	Liegel et al.			06.25.97
	AB	6,172,349	01.09.01	Katz et al.			03.31.97
	AC	4,595,829	06.17.86	Neimann et al.			05.20.83
	AD	4,844,617	07.04.89	Kelderman et al.			01.20.88
	AE	5,288,987	02.22.94	Vry et al.			09.24.92
	AF	5,783,814	07.21.98	Fairley et al.			12.26.96
	AG	5,672,861	09.30.97	Fairley et al.			01.17.95
	AH	6,128,129	10.03.00	Yoneyama			12.30.98
	AI	4,798,948	01.17.89	Neumann et al.			04.17.87
	AJ	5,995,143	11.30.99	Price et al.			02.07.97
	AK	5,790,710	08.04.98	Price et al.			01.17.97
	AL	6,259,080	07.10.01	Li et al.			03.15.99
	AM	US 2001/0033414 A1	10.25.01	Yahiro			04.11.01
	AN	4,342,905	08.03.82	Fujii et al.			08.21.80

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub-Class	Translation
	AO	WO 01/90796 A2	29.11.01	WIPO			N/A
	AP	JP 61011714	20.01.86	JP			ABSTRACT
	AQ	JP 02190808	26.07.90	JP			ABSTRACT

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	Born, M. et al. "Principles of Optics, Electromagnetic Theory of Propagation Interference and Diffraction of Light", Pergamon Press, pp. 369-385 AND pp. 413-443, 1959.
	AS	Wilson, T. et al. "Theory and Practice of Scanning Optical Microscopy", Academic Press, pp.38-77, 1984.
	AT	Geusebroek, J.M. et al. "Robust Autofocusing in Microscopy", Cytometry, vol.39 pp.1-9, 2000.
	AU	Häusler, G. et al. "Imaging with Expanded Depth of Focus", Zeiss Information, vol.29(98) pp.9-13, 1987.

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609.

Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to Applicant.

FORM PTO-1449 <u>INFORMATION DISCLOSURE CITATION</u>		Atty Docket 26346	Serial No. 10/506,860
		Applicant KAM et al.	
		Filing Date September 2, 2004	Group Art Unit Not Yet Assigned
		OTHER CONTINUED (Including Author, Title, Date, Pertinent Pages, etc.)	
	AV	Schormann, T. et al. "Contrast enhancement and depth perception in three-dimensional representations of differential interference contrast and confocal scanning laser microscope images", <u>Journal of Microscopy</u> , vol.166 pt.2 pp.155-168, 1992.	
	AW	Stokseth, P.A. "Properties of a Defocused Optical System", <u>Journal of the Optical Society of America</u> , vol.59(10) pp.1314-1321, 1969.	
	AX	Hiraoka, Y. et al. "Focal points for chromosome condensation and decondensation revealed by three-dimensional in vivo time-lapse microscopy", <u>Nature</u> , vol.342(6247) pp.293-296, 1989.	
	AY	Cheng, Y. et al. "Three-dimensional reconstruction of the actin cytoskeleton from stereo images", <u>Journal of Biomechanics</u> , vol.33 pp.105-113, 2000.	
	AZ	Agard, D.A. et al. "Three-dimensional architecture of a polytene nucleus", <u>Nature</u> , vol.302 pp.676-681, 1983.	
	AAA	Agard, D.A. "Optical Sectioning Microscopy: Cellular Architecture in Three Dimensions", <u>Ann.Rev.Biophys.Bioeng.</u> , vol.13 pp.191-219, 1984.	
	AAB	Swedlow, J.R. et al. "Deconvolution of Images and Spectra", Academic Press, Chapter 9 pp.286-309, 1997.	
Examiner		Date Considered	
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.			